



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/852,498	03/28/2013	Jason S. Lee	RPS920070221US3 (106DIVC)	5520
66912	7590	12/01/2016	EXAMINER	
CRGO LAW 7900 Glades Road SUITE 520 BOCA RATON, FL 33434			CUMBESS, YOLANDA RENEE	
			ART UNIT	PAPER NUMBER
			3651	
			NOTIFICATION DATE	DELIVERY MODE
			12/01/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@crgolaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JASON S. LEE, IVORY W. KNIPFER, ANTOINE SATER,
MANIVANNAN THAVASI, and YAJUN TU

Appeal 2014-008701¹
Application 13/852,498²
Technology Center 3600

Before TARA L. HUTCHINGS, AMEE A. SHAH, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HUTCHINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–3 and 15–17. We have jurisdiction under 35 U.S.C. § 6(b).

¹ Our decision references Appellants' Appeal Brief ("App. Br.," filed Apr. 14, 2014) and Reply Brief ("Reply Br.," filed Aug. 9, 2014), and the Examiner's Answer ("Ans.," mailed June 9, 2014) and Final Office Action ("Final Act.," mailed Nov. 6, 2013).

² Appellants identify International Business Machines Corporation as the real party in interest. App. Br. 2.

We REVERSE.

CLAIMED INVENTION

Appellants' claimed invention "relates to integrated supply chain management and more particularly to a distribution management system utilizing user-defined space characteristics and staging analysis." Spec. ¶ 1.

Claims 1 and 15 are the independent claims on appeal. Claim 1, reproduced below, is illustrative:

1. A method for staging items in a manufacturing environment, the method comprising:
 - defining attributes of staging locations in a distribution area of the manufacturing environment;
 - modeling a set of staging strategies for use in the distribution area of the manufacturing environment based on the characteristics of manufactured items and any other user-defined parameters;
 - receiving a manufactured item in the distribution area and obtaining characteristics of the manufactured item;
 - comparing the obtained characteristics of the manufactured item to the set of staging strategies to select a staging strategy to apply to the manufactured item; and
 - applying the selected staging strategy to the manufactured item to assign the manufactured item to storage in one of the staging locations available under the selected staging strategy based on matching the obtained characteristics of the manufactured item to the defined attributes of the one of the available staging locations.

REJECTION

Claims 1–3 and 15–17 are rejected under 35 U.S.C. § 102(b) as anticipated by Gaug (US 2006/0271234 A1, pub. Nov. 30, 2006).

ANALYSIS

We are persuaded by Appellants' argument that the Examiner erred in rejecting independent claims 1 and 15 under 35 U.S.C. § 102(b) because Gaug does not disclose the combination of “modeling a set of staging strategies for use in the distribution area of the manufacturing environment based on the characteristics of manufactured items and any other user-defined parameters,” “comparing the obtained characteristics of the manufactured item to the set of staging strategies to select a staging strategy to apply to the manufactured item,” and “applying the selected staging strategy to the manufactured item to assign the manufactured item to storage in one of the staging locations available under the selected staging strategy based on matching the obtained characteristics of the manufactured item to the defined attributes of the one of the available staging locations,” as recited in claim 1, and similarly in claim 15. App. Br. 5–9. The Examiner cites paragraphs 31–32, 35–36, 42–43, and 63 as disclosing the argued combination of features. Final Act. 4; *see also* Ans. 7 (citing Gaug ¶¶ 27, 31–32, 42–43, 63). However, we agree with Appellants that there is nothing in the cited portions that discloses the argued limitations, as called for in claims 1 and 15.

Gaug relates to the management and processing of pallets and containers through a facility. Gaug ¶ 3. A server generates storage assignments for pallets in a facility, creates schedules for moving and processing pallets, and generates alerts. *Id.* ¶ 31. Facility personnel use a personal data assistant (“PDA”) to send intra facility pallet movement data and pallet consumption data to the server. *Id.* ¶ 35. And the server generates storage assignments, schedules, inventory, and alert information

that can be accessed by the facility personnel based on various data from databases and interfaces. *Id.* ¶¶ 35–36.

The Examiner takes the position that Gaug discloses selecting a staging strategy when the system creates a storage assignment to choose a storage location based on logic and business rules. Ans. 7 (citing Gaug ¶¶ 31–32, 63). Although we agree with the Examiner that Gaug describes applying rules to select a storage location, we find nothing in the cited portions that describes modeling a set of staging strategies, let alone comparing obtained characteristics of the manufactured item to the set of strategies and applying a selected staging strategy to the manufactured item, as required by claims 1 and 15.

In view of the foregoing, we do not sustain the rejection under 35 U.S.C. § 102(b) of claims 1 and 15. For the same reasons, we also do not sustain the rejection under 35 U.S.C. § 102(b) of dependent claims 2, 3, 16, and 17.

DECISION

The Examiner's rejection of claims 1–3 and 15–17 under 35 U.S.C. § 102(b) is reversed.

REVERSED